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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,673	04/21/2004	Michael M. French	EMER 2632.1 (E-2455)	4475
28997	7590	01/25/2006	EXAMINER	
HARNESS, DICKEY, & PIERCE, P.L.C			CHAN, KO HUNG	
7700 BONHOMME, STE 400			ART UNIT	
ST. LOUIS, MO 63105			PAPER NUMBER	
			3632	
DATE MAILED: 01/25/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,673

Applicant(s)

FRENCH, MICHAEL M.

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/14/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/30/04 & 7/14/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's election of Group I, claims 1-14 in the reply filed on November 14, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 15-18 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/14/2005.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, line 6, "each said at least one fastener" is vague and indefinite since only one fastener has been claimed. The term "each" infers there are more than one which makes the metes and bounds of the claim vague and indefinite. Examiner suggest removing "each". Regarding claim 6, it is not clear whether "each member" is referring to the "two attached member" recited in claim 5. If so, examiner suggest "each of said attached members".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-7, 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ashe, Jr. et al (US patent no. 6,664,681). Ashe discloses a system for fastening a dynamoelectric machine (80) to a mount (110), the system comprising: a dynamoelectric machine (80) having two opposite ends, one of the ends comprising a mounting end having at least one fastener hole (100) extending therethrough; and a fastener insert (120) secured in the at least one fastener hole on the mounting end, the fastener insert having a bore (160) with pre-formed internal threads for receiving a threaded fastener (108) to fasten the dynamoelectric machine to the mount; wherein the dynamoelectric machine includes a motor housing comprising two attached members (86, 88) formed of stamped steel (Col. 2, line 53); wherein the fastener hole in the mounting end and the fastener insert have corresponding circular shapes (figure 1); wherein there are four fastener holes (figure 1) in the mounting end and four corresponding fastener inserts; further comprising the threaded fastener, the fastener comprising a machine screw having a shank (186) and a head (172); wherein the mount comprising a portion of a grill (110) having a hole (180) for receiving the fastener.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashe, Jr. et al (US patent no. 6,664,681) in view of "Spin Tite Fasteners" as provided by applicant. Ashe disclosed all the claimed features of applicant's invention except for the insert of the type having a crimped portion defining a gap. Insert of the type having a crimped portion defining a gap is old and well-known as demonstrated by Spin Tite. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the Ashe's insert with the insert of Spin Tite. Such modification would have involved a mere substitution of one well-known insert for another which is thought to be well within the ambit of one of ordinary skill in the art.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ashe, Jr. et al (US patent no. 6,664,681). Ashe disclosed all the claimed features of applicant's invention except for the insert and hole having a polygonal shapes. Such would have been an obvious matter of design choice since applicant does not disclose such shapes solves the stated problem or more advantages over other shapes. Moreover, it appears that circular hole and insert would perform as well.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashe, Jr. et al (US patent no. 6,664,681) in view of Janisse (US patent no. 5,002,462).

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Ashe disclosed all the claimed features of applicant's invention except for the grill hole having a recess for head of fastener with a slot extend from hole for rotatably mounting the machine to the grill mount. Janisse teaches a motor mount comprising a motor (30) having four fasteners (31, figure 3) mounted to a grill (9) having holes (41) for receiving fasteners and recess (the recess is formed between the two inner rings on which the plate 42, figure 9 with hole 41 is mounted thereto) for the head of the fastener with a slot (43, figure 9) extending therefrom for rotatably mounting the machine to the grill mount. It would have been obvious to one of ordinary skilled in the art to have modify the grill of Ashe, Jr. such that keyholes are provided for the grill to facillate quick mount of the motor or machine to the grill as taught to be desirable by Janisse.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record demonstrate various insert mountings and motor mounting arrangements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Korie H. Chan
Primary Examiner
Art Unit 3632

khc
January 20, 2006